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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,346	10/14/2003	W. Todd Daniell	190250-1570	7190

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EXAMINER
MABINI, MARVIN

ART UNIT	PAPER NUMBER
2153	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/686,346	DANIELL, W. TODD
	Examiner	Art Unit	
	Marvin Mabini	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

2.   Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 1 is directed to an email system with a plurality of detection mechanism

and a user interface. According to the instant application's specification, page 4

paragraph 24, "an email application". Therefore email system may be implement in

software alone. For a system claim to be statutory, at least one hardware component

must be claimed. Software alone refers to functional descriptive material, which is per

se nonstatutory. See MPEP sections §2106.01.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent 6654787 to Aronson et al (hereinafter Aronson) in view of US Patent 5999932 to

Paul (hereinafter Paul).

        As per claim 1, Aronson discloses an email system for providing email service to

a user, comprising: a plurality of detection mechanisms that detect undesired email

messages (see filter – Aronson column 5 lines 50-66; note that the filter is used to

detect undesired email messages);

        Aronson does not disclose expressly a user interface configured to visually

represent that a particular undesired email message was detected using a particular

detection mechanism.

        Paul discloses a user interface configured to visually represent that a particular

undesired email message was detected using a particular detection mechanism (see

user interface – Paul column 2 lines 47-58; also see display codes – Paul column 9

lines 1-6, where certain types of unsolicited mail are given a different code).

        Aronson and Paul are analogous art because they are from similar problem

solving area, which is to filter unwanted email. At the time of the invention it would have

been obvious to a person of ordinary skill in the art to modify the system of Aronson with

the teaching of Paul. The motivation is to enable users to quickly recognize that the

email is unwanted based on how the email is represented. The user will be able to

distinguish regular email from the unsolicited email based on how the user interface

display.

As per claim 2, Aronson-Paul discloses wherein the plurality of detection mechanisms includes a mechanism that refuses to detect an email message if the sender of the email message is on a list of senders authorized by the user (see inclusion list – Aronson column 5 lines 50-67; note that the inclusion list includes senders authorized by the user).

As per claim 3, Aronson-Paul discloses wherein the plurality of detection mechanisms includes a mechanism that detects an email message if the sender of the email message is on a list of unauthorized senders (see inclusion list – Aronson column 5 lines 50-67; note that the inclusion list includes senders unauthorized by the user).

As per claim 4, Aronson-Paul discloses wherein the plurality of detection mechanisms includes a mechanism that detects an email message if the email message contains a textual content string that is on a list of unauthorized textual content strings (see filters based on keywords – Aronson column 6 lines 44-54).

As per claim 5, Aronson-Paul discloses wherein the plurality of detection mechanisms include a mechanism that is configured to: analyze the overall content of previous email messages that have been detected; and detect an email message if the content of the message is similar to the overall content of the previous messages (see

weighted based and spam – column 6 line 55 –column 7 line 6; note that the spam filter

compares from previous email messages to rank the message if it is spam).

As per claim 6, Aronson-Paul discloses wherein the plurality of detection

mechanisms include: a first detection mechanism that detects an email message if the

sender of the email message is not on a list of senders authorized by the user; a second

detection mechanism that detects an email message if the sender of the email message

is on a list of unauthorized senders (see inclusion list.– Aronson column 5 lines 50-67;

note that the inclusion list includes senders unauthorized and authorized by the user) ; a

third detection mechanism that detects an email message if the email message contains

a textual content string that is on a list of unauthorized textual content string (see filters

based on keywords – Aronson column 6 lines 44-54); and a fourth detection mechanism

that is configured to: analyze the overall content of previous email messages that have

been detected; compare the content of an email message to the overall content and

assign a score reflective of a level of similarity for the email message; and detect the

email message if the score is higher than a designated score (see weighted based and

spam – column 6 line 55 –column 7 line 6; note that the spam filter compares from

previous email messages to rank the message if it is spam).

As per claim 7, Aronson-Paul discloses the invention as substantially claimed

(see rejection above of claim 1 from which claim 7 depend) except wherein the

particular undesired email message is, within an email identification list, visually

represented using a particular color that is associated with the particular detection

mechanism, wherein the particular color is different from another color that is associated

with another detection mechanism.

Paul teaches wherein the particular undesired email message is, within an email

identification list, visually represented using a particular color that is associated with the

particular detection mechanism, wherein the particular color is different from another

color that is associated with another detection mechanism (see user interface – Paul

column 2 lines 47-58; also see displayed to user and different colors – Paul column 9

lines 8-19).

Aronson and Paul are analogous art because they are from similar problem

solving area, which is to filter unwanted email. At the time of the invention it would have

been obvious to a person of ordinary skill in the art to modify the system of Aronson with

the teaching of Paul. The motivation is to enable users to quickly recognize that the

email is unwanted based on how the email is represented. The user will be able to

distinguish regular email from the unsolicited email based on how the user interface

display.

As per claim 8, Aronson-Paul discloses the invention as substantially claimed

(see rejection above of claim 1 from which claim 8 depend) except wherein the

particular undesired email message is, within an email identification list, visually

represented using a particular lettering style that is associated with the particular

detection mechanism, wherein the particular lettering style is different from another

lettering style that is associated with another detection mechanism.

Paul teaches wherein the particular undesired email message is, within an email

identification list, visually represented using a particular lettering style that is associated

with the particular detection mechanism, wherein the particular lettering style is different

from another lettering style that is associated with another detection mechanism. (see

user interface – Paul column 2 lines 47-58; also see displayed to user and different

codes – Paul column 9 lines 8-19).

Aronson and Paul are analogous art because they are from similar problem

solving area, which is to filter unwanted email. At the time of the invention it would have

been obvious to a person of ordinary skill in the art to modify the system of Aronson with

the teaching of Paul. The motivation is to enable users to quickly recognize that the

email is unwanted based on how the email is represented. The user will be able to

distinguish regular email from the unsolicited email based on how the user interface

display.

As per claim 9, Aronson discloses a system for providing email service,

comprising: means for providing a plurality of detection mechanisms that detect

undesired email messages; means for designating an email message as being

undesirable according to a particular detection scheme (see filter – Aronson column 5

lines 50-66; note that the filter is used to detect undesired email messages).

Aronson does not disclose expressly means for marking the email message with a particular identifier of the particular detection scheme; and means for displaying the email message with the particular identifier in a particular visual manner that is associated with the particular identifier.

Paul teaches means for marking the email message with a particular identifier of the particular detection scheme (see display code – Paul column 9 lines 1-7); and means for displaying the email message with the particular identifier in a particular visual manner that is associated with the particular identifier (see user interface – Paul column 2 lines 47-58; also see displayed to user, and different colors – Paul column 9 lines 8-19).

Aronson and Paul are analogous art because they are from similar problem solving area, which is to filter unwanted email. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Aronson with the teaching of Paul. The motivation is to enable users to quickly recognize that the email is unwanted based on how the email is represented. The user will be able to distinguish regular email from the unsolicited email based on how the user interface display.

As per claim 10, Aronson-Paul discloses wherein the plurality of detection mechanisms includes a means for detecting of an email message from a sender that is not on a list of senders authorized by the user (see inclusion list – Aronson column 5 lines 50-67; note that the inclusion list includes senders authorized by the user).

As per claim 11, Aronson-Paul discloses wherein the plurality of detection mechanisms includes a means for detecting an email message from a sender that is on a list of unauthorized senders (see inclusion list – Aronson column 5 lines 50-67; note that the inclusion list includes senders unauthorized by the user).

As per claim 12, Aronson-Paul discloses wherein the plurality of detection mechanisms includes a means for detecting an email message that contains a textual content string that is on a list of unauthorized textual content strings (see filters based on keywords – Aronson column 6 lines 44-54).

As per claim 13, Aronson-Paul discloses wherein the plurality of detection mechanisms includes a means for detecting an email message that has content that matches a designated level of overall content of previous messages that were determined to be undesirable (see weighted based and spam – column 6 line 55 – column 7 line 6; note that the spam filter compares from previous email messages to rank the message if it is spam).

As per claim 14, Aronson-Paul discloses wherein the plurality of detection mechanisms includes: means for detecting an email message from a sender that is not on a list of senders authorized by the user; a means for detecting an email message from a sender that is on a list of unauthorized senders (see inclusion list – Aronson

column 5 lines 50-67; note that the inclusion list includes senders unauthorized and authorized by the user); a means for detecting an email message that contains a textual content string that is on a list of unauthorized textual content strings (see filters based on keywords – Aronson column 6 lines 44-54); and means for detecting an email message that has content that matches a designated level of overall content of previous messages that were determined to be undesirable (see weighted based and spam – column 6 line 55 –column 7 line 6; note that the spam filter compares from previous email messages to rank the message if it is spam).

As per claim 15, Aronson discloses a method for providing email service, comprising the steps of: providing a plurality of detection approaches for detecting undesired email messages; designating an email message as being undesirable according to a particular detection scheme (see filter – Aronson column 5 lines 50-66; note that the filter is used to detect undesired email messages).

Aronson does not disclose expressly marking the email message with a particular identifier of the particular detection scheme; and displaying the email message with the particular identifier in a particular visual manner that is associated with the particular identifier.

Paul teaches marking the email message with a particular identifier of the particular detection scheme (see display code – Paul column 9 lines 1-7); and displaying the email message with the particular identifier in a particular visual manner

that is associated with the particular identifier (see user interface – Paul column 2 lines 47-58; also see displayed to user, and different colors – Paul column 9 lines 8-19).

Aronson and Paul are analogous art because they are from similar problem solving area, which is to filter unwanted email. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Aronson with the teaching of Paul. The motivation is to enable users to quickly recognize that the email is unwanted based on how the email is represented. The user will be able to distinguish regular email from the unsolicited email based on how the user interface display.

As per claim 16, Aronson-Paul discloses wherein the plurality of detection approaches include an approach that detects an email message if the sender of the email message is not on a list of senders authorized by the user (see inclusion list – Aronson column 5 lines 50-67; note that the inclusion list includes senders authorized by the user).

As per claim 17, Aronson-Paul discloses wherein the plurality of detection approaches includes an approach that detects an email message if the sender of the email message is on a list of unauthorized senders (see inclusion list – Aronson column 5 lines 50-67; note that the inclusion list includes senders unauthorized by the user).

As per claim 18, Aronson-Paul discloses wherein the plurality of detection approaches include an approach that detects an email message if the email message contains a textual content string that is on a list of unauthorized textual content strings (see filters based on keywords – Aronson column 6 lines 44-54).

As per claim 19, Aronson-Paul discloses wherein the plurality of detection approaches include an approach that analyzes the overall content of previous email messages that have been detected and detects an email message if the content of the message is similar to the overall content of previous messages (see weighted based and spam – column 6 line 55 –column 7 line 6; note that the spam filter compares from previous email messages to rank the message if it is spam).

As per claim 20, Aronson-Paul discloses wherein the plurality of detection approaches include: an approach that detects an email message if the sender of the email message is not on a list of senders authorized by the user; an approach that detects an email message if the sender of the email message is on a list of unauthorized senders (see inclusion list – Aronson column 5 lines 50-67; note that the inclusion list includes senders unauthorized and authorized by the user); an approach that detects an email message if the email message contains a textual content string that is on a list of unauthorized textual content strings (see filters based on keywords – Aronson column 6 lines 44-54); and an approach that analyzes the overall content of previous email messages that have been detected and detects an email message if the

content of the message is similar to the overall content of the previous messages

according to a designated content score (see weighted based and spam – column 6 line

55 –column 7 line 6; note that the spam filter compares from previous email messages

to rank the message if it is spam).

As per claim 21, Aronson discloses the invention as substantially claimed (see

rejection above of claim 20 from which claim 21 depend) except wherein the particular

visual manner is a particular color that is associated with a first detection approach,

wherein the particular color is different from another color that is associated with a

second detection approach.

Paul teaches wherein the particular visual manner is a particular color that is

associated with a first detection approach, wherein the particular color is different from

another color that is associated with a second detection approach (see user interface –

Paul column 2 lines 47-58; also see displayed to user and different colors – Paul

column 9 lines 8-19).

Aronson and Paul are analogous art because they are from similar problem

solving area, which is to filter unwanted email. At the time of the invention it would have

been obvious to a person of ordinary skill in the art to modify the system of Aronson with

the teaching of Paul. The motivation is to enable users to quickly recognize that the

email is unwanted based on how the email is represented. The user will be able to

distinguish regular email from the unsolicited email based on how the user interface

display.

As per claim 22, Aronson discloses the invention as substantially claimed (see rejection above of claim 20 from which claim 22 depend) except wherein the particular visual manner is a particular lettering style that is associated with a first detection approach, wherein the particular lettering style is different from another lettering style that is associated with a second detection approach.

Paul teaches wherein the particular visual manner is a particular lettering style that is associated with a first detection approach, wherein the particular lettering style is different from another lettering style that is associated with a second detection approach see user interface – Paul column 2 lines 47-58; also see displayed to user and different codes – Paul column 9 lines 8-19).

Aronson and Paul are analogous art because they are from similar problem solving area, which is to filter unwanted email. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Aronson with the teaching of Paul. The motivation is to enable users to quickly recognize that the email is unwanted based on how the email is represented. The user will be able to distinguish regular email from the unsolicited email based on how the user interface display.

As per claim 23, Aronson discloses the invention as substantially claimed (see rejection above of claim 15 from which claim 23 depend) except recognizing which

particular detection approach designated the email message as being undesirable upon the visual representation of the email message.

Paul teaches recognizing which particular detection approach designated the email message as being undesirable upon the visual representation of the email message (see display codes – Paul column 9 lines 1-6).

Aronson and Paul are analogous art because they are from similar problem solving area, which is to filter unwanted email. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system of Aronson with the teaching of Paul. The motivation is to enable users to quickly recognize that the email is unwanted based on how the email is represented. The user will be able to distinguish regular email from the unsolicited email based on how the user interface display.
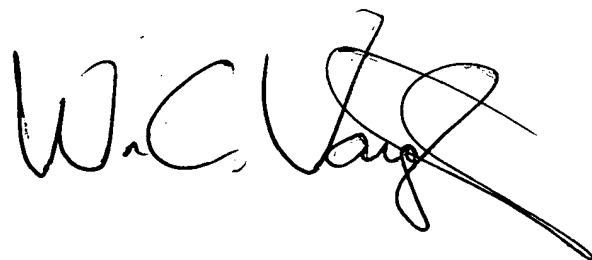
Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin Mabini whose telephone number is 571-270-1142. The examiner can normally be reached on Monday-Friday 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MM/